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11 ZAMPERINI AIRFIELD PRESERVATION SOCIETY

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 ZAMPERINI AIRFIELD
15 PRESERVATION SOCIETY, a
16 California unincorporated association,

17 Plaintiff/Petitioner,

18 v.

19 CITY OF TORRANCE, a California
20 municipal corporation and ROES 1
21 through 100,

22 Defendants/Respondents.

CASE NO.: 2:24-cv-04538-CBM-JPR

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF
PLAINTIFF/PETITIONER'S
OPENING BRIEF IN SUPPORT OF
WRIT OF MANDATE**

Date: July 22, 2025

Time: 10:00 a.m.

Place: Department 8D

Judge: Hon. Consuelo B. Marshall

Petition Filed: April 22, 2024

ORBACH HUFF & HENDERSON LLP

1 Plaintiff and Petitioner Zamperini Airfield Preservation Society (“ZAPS”)
2 hereby submits this Request for Judicial Notice (“RJN”) in Support of its Opening Brief
3 in Support of Petitioner’s Motion for Writ of Mandate (“Motion”) against Defendant
4 and Respondent City of Torrance (“City”). ZAPS requests the Court take judicial notice
5 of the following documents under Federal Rules of Evidence, Rule 201:

- 6 1. **Exhibit A** – Relevant portions of the Federal Aviation Administration’s
7 (“FAA”) Aeronautical Information Manual (“AIM”), published on
8 February 20, 2025 pursuant to the statement issued by the FAA
9 Administrator and published in the December 10, 1964 of the Federal
10 Register concerning FAA policy relating to the AIM. A true and correct
11 copy of the entire document can be found at the FAA’s website at:
12 [https://www.faa.gov/air_traffic/publications/media/AIM_Basic_dtd_2-](https://www.faa.gov/air_traffic/publications/media/AIM_Basic_dtd_2-20-25_post.pdf)
13 [20-25_post.pdf](https://www.faa.gov/air_traffic/publications/media/AIM_Basic_dtd_2-20-25_post.pdf).
- 14 2. **Exhibit B** – Relevant portions of the FAA’s Advisory Circular on Noise
15 Levels for U.S. Certificated and Foreign Aircraft, dated May 25, 2012,
16 detailing that a Saab SF-340A turboprop airplane has a stage 3 rating under
17 the Airport Noise and Capacity Act of 1990. A true and correct copy of the
18 entire document can be found at the FAA’s website at:
19 [https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_36-](https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_36-1H.pdf)
20 [1H.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_36-1H.pdf).

21 Under Federal Rules of Evidence, Rule 201, facts appropriate for judicial notice
22 are those “not subject to reasonable dispute” in that they are either (1) “generally known
23 within the trial court’s territorial jurisdiction” or (2) “can be accurately and readily
24 determined from sources whose accuracy cannot reasonably be questioned.” Fed. R.
25 Evid. 201(b). Judicial notice of such facts is mandatory when requested by a party who
26 has supplied the necessary information to the Court. Fed. R. Evid. 201(c)(2); *Papai v.*
27 *Harbor Tug & Barge Co.*, 67 F.3d 203, 207 n.5 (9th Cir. 1995), rev’d on other grounds
28 in *Harbor Tug & Barge Co. v. Papai*, 520 U.S. 548, 550 (1997). Further, judicial notice

1 may be taken “of court filings and other matters of public record.” *Reyn’s Pasta Bella,*
2 *LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006); *Lee v. City of Los Angeles,*
3 250 F.3d 668, 689 (9th Cir. 2001). It is also well established that “[a] court may take
4 judicial notice of records and reports of administrative bodies” and “documents that are
5 public records and capable of accurate and ready confirmation by sources that cannot
6 reasonably be questioned.” *Wible v. Aetna Life Ins. Co.*, 375 F.Supp.2d 956, 965 (C.D.
7 Cal. 2005).

8 **Exhibit A:** ZAPS asserts that the FAA’s AIM can be considered by this Court
9 without judicial notice since the manual was updated pursuant to the statement issued
10 by the FAA Administrator which was published in the December 10, 1964 of the
11 Federal Register concerning FAA policy relating to the AIM. However, ZAPS is
12 alternatively requesting judicial notice of this document. A manual from a public agency
13 qualifies for judicial notice. See *Driebel v. City of Milwaukee*, 298 F.3d 622, 631 (7th
14 Cir. 2002); *United States, ex rel. Modglin v. DJO Global Inc.*, 114 F.Supp.3d 993, 1008
15 (C.D.Cal. 2015) (Information in a manual on a public agency website is subject to
16 judicial notice).

17 **Exhibit B:** Information from a publicly available government document is
18 subject to judicial notice. See *United States, ex rel. Modglin v. DJO Global Inc.*, 114
19 F.Supp.3d 993, 1008 (C.D.Cal. 2015); *Peckerar v. General Motors, LLC*, 2020 WL
20 6115083, at *1 n.1 (C.D. Cal. Aug. 17, 2020) (judicially noticing publicly available
21 document published by NHTSA because it “is a publicly available government
22 document, whose accuracy no party questions”).

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1 Accordingly, ZAPS requests that this Court take judicial notice of the attached
2 Exhibits A through B.

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4 DATED: April 28, 2025

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6 By: /s/ Stan M. Barankiewicz, II.

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CERTIFICATE OF SERVICE

I certify that counsel of record who are deemed to have consented to electronic service are being served on April 28, 2025 with a copy of this document via the court's CM/ECF system pursuant to Local Rule 5-3.2.1.

/s/ Stan M. Barankiewicz, II.
Stan M. Barankiewicz II, Esq

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